

FRIEDMAN & WITTENSTEIN
A Professional Corporation
600 Lexington Avenue
New York, New York 10022
Telephone: (212) 750-8700
Facsimile: (212) 223-8391
Stuart I. Friedman (SF-9186)
Ivan Kline (IK-9591)
*Attorneys for Defendants and
Counterclaim-Plaintiffs William M.
Sexton and Gerald M. Sherer*

HELLER EHRLICH LLP
Times Square Tower
7 Times Square
New York, New York 10036
Telephone: (212) 832-8300
Facsimile: (212) 763-7600
Richard Cashman (RC-4769)
*Attorneys for Defendant and
Counterclaim-Plaintiff Philip
Silverman*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153-0119
Telephone: (212) 310-8000
Facsimile: (212) 310-8007
Greg A. Danilow (GD-1621)
Michael F. Walsh (MW-8000)
*Attorneys for Defendants Leo R.
Breitman, Nathan Gantcher, David V.
Harkins, Scott L. Jaeckel, Thomas H. Lee,
Ronald L. O'Kelley, and Scott A. Schoen*

SAUL EWING LLP
245 Park Avenue, 24th Floor
New York, New York 10167
Telephone: (212) 672-1996
Facsimile: (212) 672-1920
John J. Jerome (JJ-2413)
*Attorneys for Defendant and
Counterclaim-Plaintiff Joseph Murphy*

ZUCKERMAN SPAEDER LLP
1540 Broadway, Suite 1604
New York, New York 10036
Telephone: (212) 704-9600
Norman L. Eisen (NE-1198)
Thomas G. Macauley (TM-3944)
Laura E. Neish (LN-0040)

-and-

HANNAFAN & HANNAFAN, LTD.
One East Wacker Drive, Suite 2800
Chicago, Illinois 60601
Telephone: (312) 527-0055
Michael T. Hannafan
Blake T. Hannafan
*Co-Attorneys for Defendant Tone N.
Grant*

AXIS REINSURANCE

PHILLIP R. BENNETT, et al.,

Defendants.

Adv. Proc. No. 07-01712
(Awaiting District Court Index
No.)

Electronically Filed

ANISOPROPYL ANGECOL®

ANY,

PHILLIP R. BENNETT, et al.,

Defendants.

Case No. 07-cv-07924 (GEL)

Electronically Filed

**NOTICE OF MOTION OF DEFENDANTS SEXTON, SHERER,
MURPHY, SILVERMAN, GRANT, BREITMAN, GANTCHER,
HARKINS, JAECKEL, LEE, O'KELLEY AND SCHOEN FOR LIFTING
OF THE STAY AND FOR SUMMARY JUDGMENT DISMISSING
THE COMPLAINT OF AXIS REINSURANCE COMPANY AND FOR
ENTRY OF JUDGMENT IN FAVOR OF SEXTON, SHERER, MURPHY
AND SILVERMAN ON COUNT I OF THEIR COUNTERCLAIMS**

PLEASE TAKE NOTICE that, upon the Declaration of Ivan Kline, dated April 8, 2008, the Declaration of Helen B. Kim, dated March 28, 2008, the Declaration of Ellen Brooks, dated March 27, 2008, the Declaration of Pamela Sylwestrzak, dated March 27, 2008, the Statement of Undisputed Material Facts pursuant to Local Rule 56.1, dated April 8, 2008, and the Insureds' Memorandum of Law in Support of their Motion for Summary Judgment Dismissing the Complaint of Axis Reinsurance Company ("Axis") and for Entry of Declaratory Judgment of Coverage for Insureds under the 2005-2006 Axis Policy, dated April 8, 2008, Defendants and Counterclaim Plaintiffs William M. Sexton, Gerald Sherer, Joseph Murphy and Philip Silverman, and Defendants Tone Grant, Leo R. Breitman, Nathan Gantcher, David V. Harkins, Scott L. Jaeckel, Thomas H. Lee, Ronald L. O'Kelley and Scott A. Schoen's (collectively, the "Insureds") hereby (1) respectfully request that the Court lift the stay in *Axis Reinsurance Co. v. Bennett, et al.*, Case No. 07-cv-07924 (GEL) to allow the Insureds to submit their motion for summary judgment dismissing Axis' claims and (2) move for summary judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure, (a) dismissing as to the Insureds the Complaint of Axis in *Axis Reinsurance Co. v. Bennett, et al.*, Case No. 07-cv-07924 (GEL), and (b) granting a declaratory judgment of coverage on Count I of the Counterclaim Plaintiffs' Counterclaims in *Axis Reinsurance Co. v. Bennett, et al.*, Adv. Proc. No. 07-01712 (awaiting district court index number).

PLEASE TAKE FURTHER NOTICE that, pursuant to this Court's Order of April 4, 2008, opposition papers, if any, shall be served on the undersigned by May 2, 2008.

Dated: April 8, 2008
New York, New York

Respectfully submitted,

**FRIEDMAN & WITTENSTEIN
A Professional Corporation**

By: /s/ Stuart I. Friedman
Stuart I. Friedman (SF-9186)
Ivan Kline (IK-9591)

600 Lexington Avenue
New York, New York 10022
Telephone: (212) 750-8700
Facsimile: (212) 223-8391

*Attorneys for Defendants and Counterclaim-
Plaintiffs William M. Sexton and Gerald M.
Sherer*

HELLER EHRLICH LLP

By: /s/ Richard Cashman
Richard Cashman (RC-4769)

Times Square Tower
7 Times Square
New York, New York 10036
Telephone: (212) 832-8300
Facsimile: (212) 763-7600

*Attorneys for Defendant and Counterclaim-
Plaintiff Philip Silverman*

ZUCKERMAN SPAEDER LLP

By: /s/ Norman L. Eisen
Norman L. Eisen (NE-1198)
Thomas G. Macauley (TM-3944)
Laura E. Neish (LN-0040)

WEIL, GOTSHAL & MANGES LLP

By: /s/ Greg A. Danilow
Greg A. Danilow (GD-1621)
Michael F. Walsh (MW-8000)

767 Fifth Avenue
New York, New York 10153-0119
Telephone: (212) 310-8000
Facsimile: (212) 310-8007

*Attorneys for Defendants Leo R. Breitman,
Nathan Gantcher, David V. Harkins, Scott
L. Jaeckel, Thomas H. Lee, Ronald L.
O'Kelley, and Scott A. Schoen*

SAUL EWING LLP

By: /s/ John J. Jerome
John J. Jerome (JJ-2413)

245 Park Avenue, 24th Floor
New York, New York 10167
Telephone: (212) 672-1996
Facsimile: (212) 672-1920

*Attorneys for Defendant and Counterclaim-
Plaintiff Joseph Murphy*

1540 Broadway, Suite 1604
New York, New York 10036
Telephone: (212) 704-9600

-and-

HANNAFAN & HANNAFAN, LTD.
One East Wacker Drive, Suite 2800
Chicago, Illinois 60601
Telephone: (312) 527-0055
Michael T. Hannafan
Blake T. Hannafan

Co-Attorneys for Defendant Tone N. Grant